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**THE CITY OF NEW YORK**  
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July 19, 2021

**VIA ECF**

Honorable Robert W. Lehrburger  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Curtis A. McDaniel v. City of New York, et al.,  
19 Civ. 8735 (AJN) (RWL)

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter. I write to respectfully request that the Court order plaintiff to re-file his response to defendants' motion for summary judgment, (see Dkt. Nos. 73, 74, 75, 76), in a legible manner and that defendants' deadline to file a reply be extended to twenty-one (21) days after plaintiff re-files his legible response.

By way of brief background, defendants filed a motion for summary judgement in this matter on May 10, 2021. (See Dkt. No. 63). The Court ordered that plaintiff's response be due by July 12, 2021 and defendants' reply be due by August 2, 2021. (See Dkt. No. 72). Plaintiff filed four (4) documents in response: "Opposition to the Defendant Memorandum of Law in Support for Summary Judgment" (Dkt. No. 73) (Exhibit "A"); "Affirmation of Curtis McDaniel" (Dkt. No. 74) (Exhibit "B"); "Notice of Motion Opposition" (Dkt. No. 75) (Exhibit "C"); and "Opposition to the Defendant Memorandum of Law in Support for Summary Judgment" (Dkt. No. 76) (Exhibit "D"). Plaintiff's response papers, however, are handwritten, and the ink or pencil marks are so light that they are largely illegible.

Defendants request that plaintiff be ordered to re-file his response papers in a legible manner. Additionally, in light of the fact that plaintiff's response papers cannot be read as currently filed, defendants respectfully request that their reply be due twenty-one (21) days after plaintiff re-files his legible response, the original amount of time that was provided to defendants for filing their reply.

Thank you for your consideration of this request.

Respectfully submitted,

*Peter W. Brocker /s/*  
Peter W. Brocker, Esq.  
*Senior Counsel*

cc: Curtis A. McDaniel (via First-Class Mail)  
*Plaintiff Pro Se*  
#20A0242  
Bare Hill Correctional Facility  
Caller Box 20  
181 Brand Road  
Malone, NY 12953

Request denied in part and granted in part. Although portions of Plaintiff's filings are faint, the Court can read them and expects Defendants to do the same. Plaintiff need not refile his papers. Defendants' request for an extension of time to file is granted; Defendants shall file their reply by August 28, 2021.

SO ORDERED:

7/19/2021

  
HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff and note service on the docket:

Curtis McDaniel  
20-A-0242  
Bare Hill Correctional Facility  
181 Brand Rd.  
Malone, NY 12953